

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

\* \* \* \* \*

SOUTHEAST FLOATING DOCKS, INC.,

Plaintiff

v.

CIVIL ACTION NO.:  
05-11039-EFH

AGM MARINE CONTRACTORS, INC.,  
CHILDS ENGINEERING CORPORATION,  
AND THE TOWN OF PROVINCETOWN,

Defendants.

\* \* \* \* \*

**ORDER**

March 12, 2008

HARRINGTON, S.D.J.

The Court orders Attorney Rosemary H. Hayes, counsel for Plaintiff, Southeast Floating Docks, Inc., to refrain from contacting this Court by way of e-mails. Attorney Hayes is required in the future to reduce all her requests to motions filed with the Court, with copies to be served on the Defendant, Town of Provincetown. Failure to do so shall result in a severe penalty being imposed.

Attached to this Order are Attorney Hayes' e-mail dated March 10, 2008, to Deputy Clerk, Karen Folan, Ms. Folan's response thereto, dated March 11, 2008, and e-mail from Attorney Hayes to Karen Folan dated March 11, 2008. This Order and the attached e-mails are made part of the record in this case.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge



"Rosemary Hayes"  
<rhayes@const-law.com>

03/10/2008 04:24 PM

To <Karen\_Folan@mad.uscourts.gov>

cc

bcc

Subject Southeast Floating Docks v. Provincetown

History:  This message has been replied to and forwarded.

Hi Karen -

How are you?

I am confused. Judge Harrington entered an Order that the Town was to file its privileged records under seal. The Town sent a letter transmitting the privileged records to Judge Harrington and you filed the letter (signed by Rick Holland) with the Clerk, so we received a copy. Shortly thereafter, I filed to request an Order directing the Town to at least provide this office with the non-privileged exhibits referenced in the above transmittal letter. The Town did not respond to my motion and the Court never entered an Order on it, as far as I can see.

Judge Harrington did Order the Town produce another privilege log, after Mr. Holland's letter forwarding the alleged privileged documents for the Judge's consideration. Unless there was an Order that never made it on Pacer, I don't understand the added privilege log since the Court has in-hand the records at issue. Today, I have an Order that permits Southeast's response to the Town's more comprehensive log; however, I still don't know the result of the Court's in camera review of privileged records... or Southeast's request that the Town be subject to an Order to provide copies of non-privileged records sent directly to the Judge.

Did the Town submit the privileged records? Before I start responding to the Court, I'm trying to understand what happened with the records.


Thanks, Karen.

Rosemary Hayes  
Attorney-at-Law  
HAYES & CARABALLO, PL  
830 Lucerne Terrace  
Orlando, FL 32801  
(Voice) (407) 649-9974 ext. 214  
(Fax) (407) 649-9379  
[rhayes@const-law.com](mailto:rhayes@const-law.com)

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Karen  
Folan/MAD/01/USCOURTS  
03/11/2008 11:15 AM

To "Rosemary Hayes" <rhayes@const-law.com>  
cc  
bcc  
Subject Re: Southeast Floating Docks v. Provincetown 

Hi Rosemary,

I'm assuming you got the defendant's filing of 3/6/08 which is docket numbers 65 and 66 which were in response to the Court's February 21, 2008 Order. If you need some more clarification you will need to file something with the court and cc the opposing side, that way the Judge will have the opportunity to respond to both sides. Thanks.

Karen

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Karen Folan  
Courtroom Deputy Clerk to the Hon. Edward F. Harrington  
U.S. District Court, Boston, MA  
617-748-4232  
Email: karen\_folan@mad.uscourts.gov  
"Rosemary Hayes" <rhayes@const-law.com>



"Rosemary Hayes"  
<rhayes@const-law.com>  
03/11/2008 11:22 AM

To <Karen\_Folan@mad.uscourts.gov>  
cc  
bcc

Subject RE: Southeast Floating Docks v. Provincetown

I understand Karen. Thanks for your time.

Rosemary Hayes  
Attorney-at-Law  
HAYES & CARABALLO, PL  
830 Lucerne Terrace  
Orlando, FL 32801  
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